

**ZB# 04-48**

**James Lee**

**13-3-7**

ZBA #04-48 JAMES LEE (AREA)  
12 LAWRENCE AVE. (13-3-7)

ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553

Granted 7-26-04

James Lee 562-6804



# **Town of New Windsor**

**555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695**

## **OFFICE OF THE ZONING BOARD OF APPEALS**

December 16, 2004

James Lee  
12 Lawrence Avenue  
New Windsor, NY 12553

**SUBJECT: REQUEST FOR VARIANCE #04-48**

Dear Mr. Lee:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

---

Myra Mason, Secretary to the  
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

**NEW WINDSOR ZONING BOARD OF APPEALS**

**SBL: 13-3-7**

**In the Matter of the Application of**

**MEMORANDUM OF  
DECISION GRANTING**

**JAMES LEE**

**AREA**

**CASE #04-48**

**WHEREAS, JAMES LEE** , owner(s) of 12 LAWRENCE AVENUE, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an 3 ft. Front Yard Setback for existing concrete porch (Bulk Tables E-8) at 12 Lawrence Avenue in an R-4 Zone (13-3-7)

**WHEREAS**, a public hearing was held on JULY 26, 2004 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant appeared on behalf of this Application; and

**WHEREAS**, there were no spectators appearing at the public hearing; and

**WHEREAS**, no one spoke in favor of or in opposition to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a residential property located in a neighborhood of residential properties.
  - (b) The applicant has constructed a front porch on his premises in approximately 1983.
  - (c) Since the porch has been constructed, no complaints, either formal or informal, have been received.

- (d) In constructing the porch or deck, the applicant did not cut down any trees or remove any substantial vegetation.
- (e) The porch does not create the ponding or collection of water or divert the flow of water drainage.
- (f) The porch is not over, nor does it interfere with, any easements.
- (g) Without the porch, a person exiting the house would be likely to sustain serious physical injury.
- (h) The house does not appear to project any closer to the road than other homes in the neighborhood.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are not substantial in relation to the Town.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

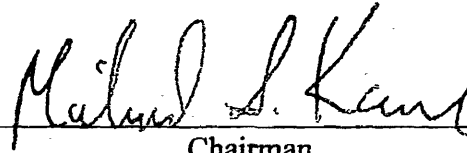
**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 3 ft. Front Yard Setback for existing concrete porch (Bulk Tables E-8) at 12 Lawrence Avenue in an R-4 Zone (13-3-7) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: July 26, 2004

  
Chairman

**COPY**

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- COPY**

**COPY**



PERMITTED

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

**ZONE: R4    USE: Residential    Bulk Tables    8E**

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

**35'**

**32'**

**3'**

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

**APPROVED**

**04-48**

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
IMPORTANT  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and percolation test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:  
Building Permit #: 2008-0637

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS  
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises LEE JAMES D. + GERALDINE A.

Address 12 LAWRENCE AVE Phone # 845 562 6204

Mailing Address 12 LAWRENCE AVE NEW WINDSOR NY 12553 Fax # \_\_\_\_\_

Name of Architect \_\_\_\_\_

Address \_\_\_\_\_ Phone \_\_\_\_\_

Name of Contractor COMPLETED BY HOME OWNER AND MASON FRIEND

Address \_\_\_\_\_ Phone \_\_\_\_\_

State whether applicant is owner, lessee, agent, architect, engineer or builder \_\_\_\_\_

If applicant is a corporation, signature of duly authorized officer. \_\_\_\_\_

(Name and title of corporate officer)

1. On what street is property located? On the WEST side of LAWRENCE AVE  
(N, S, E or W)  
and 300' feet from the intersection of WALSH RD

2. Zone or use district in which premises are situated \_\_\_\_\_ Is property a flood zone? Y \_\_\_\_\_ N \_\_\_\_\_

3. Tax Map Description: Section 13 Block 3 Lot 6.1

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy FRONT PORCH b. Intended use and occupancy ENTRY TO HOUSE + SITTING AREA

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other EXISTING

6. Is this a corner lot? NO

7. Dimensions of entire new construction. Front 5' 10" Rear 5' 10" Depth 14' Height 44" No. of stories \_\_\_\_\_  
LEATH Porch "No roof"

8. If dwelling, number of dwelling units: 1 Number of dwelling units on each floor 1

Number of bedrooms 3 Baths 1 Toilets 1 Heating Plant: Gas \_\_\_\_\_ Oil ☒  
Electric/Hot Air \_\_\_\_\_ Hot Water ☒ If Garage, number of cars NA

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use \_\_\_\_\_

**ZONING BOARD** OK

10. Estimated cost 600.00 APPROX Fee ck # 605 dtd 1/1/84

\* NOTE ALL WORK DONE APPROX 1983-84

\_\_\_\_\_  
date

**APPLICATION FOR BUILDING PERMIT**  
**TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK**  
Pursuant to New York State Building Code and Town Ordinances

**Building Inspector: Michael L. Babcock**

**Asst. Inspectors: Frank Lisi & Louis Kryshear**

**New Windsor Town Hall**

**555 Union Avenue**

**New Windsor, New York 12553**

**(845) 563-4818**

**(845) 563-4895 FAX**

**Bldg Insp Examined** \_\_\_\_\_

**Fke Insp Examined** \_\_\_\_\_

**Approved** \_\_\_\_\_

**Disapproved** \_\_\_\_\_

**Permit No.** \_\_\_\_\_

**INSTRUCTIONS**

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, place or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

\_\_\_\_\_  
(Signature of Applicant)

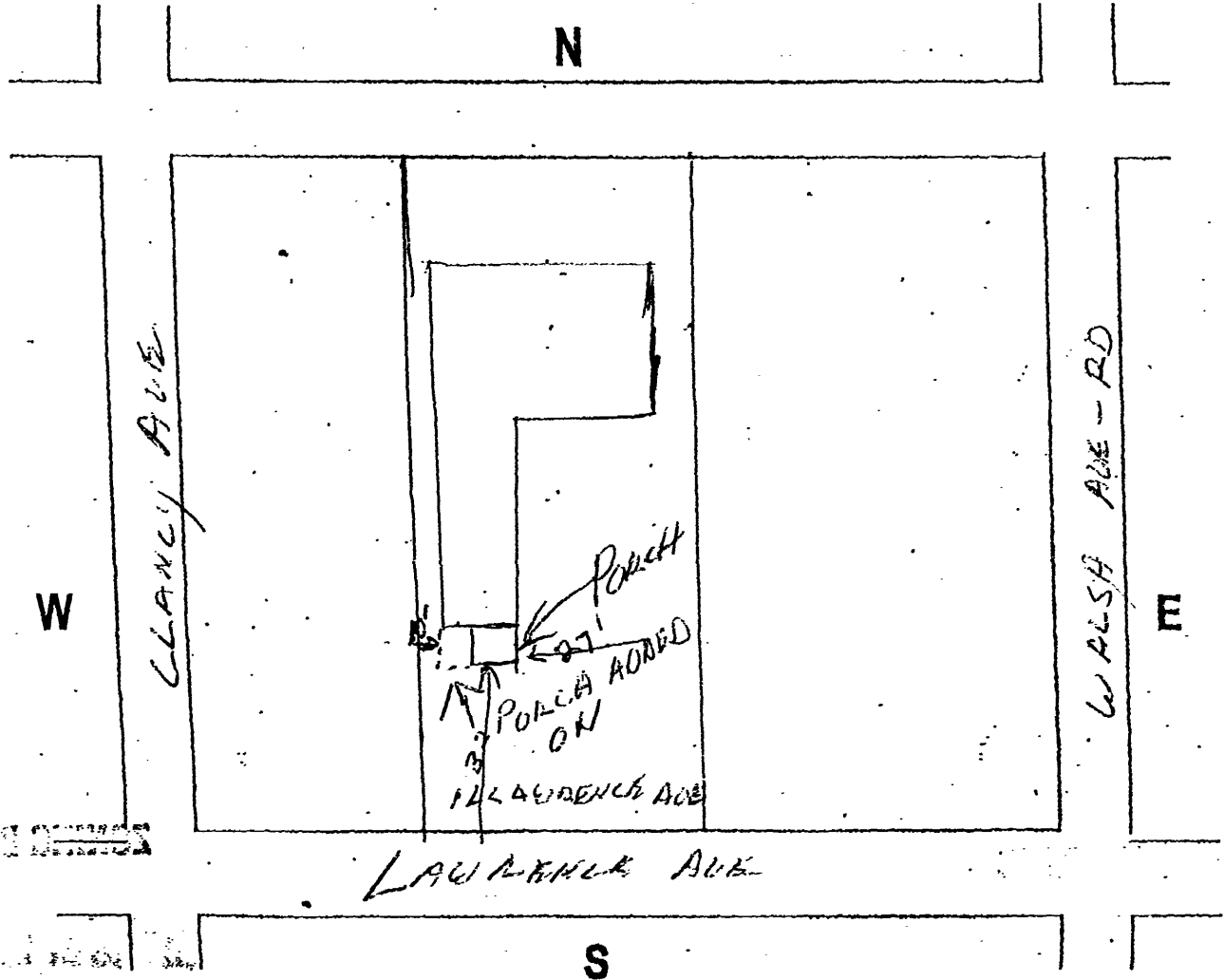
12 LAWRENCE AVE  
(Address of Applicant)

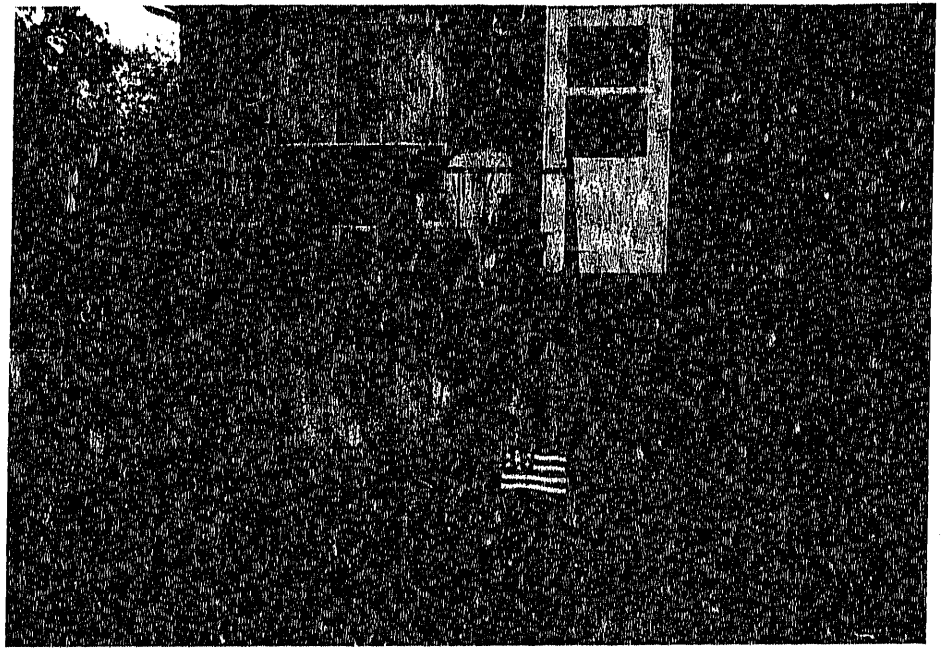
\_\_\_\_\_  
(Owner's Signature)

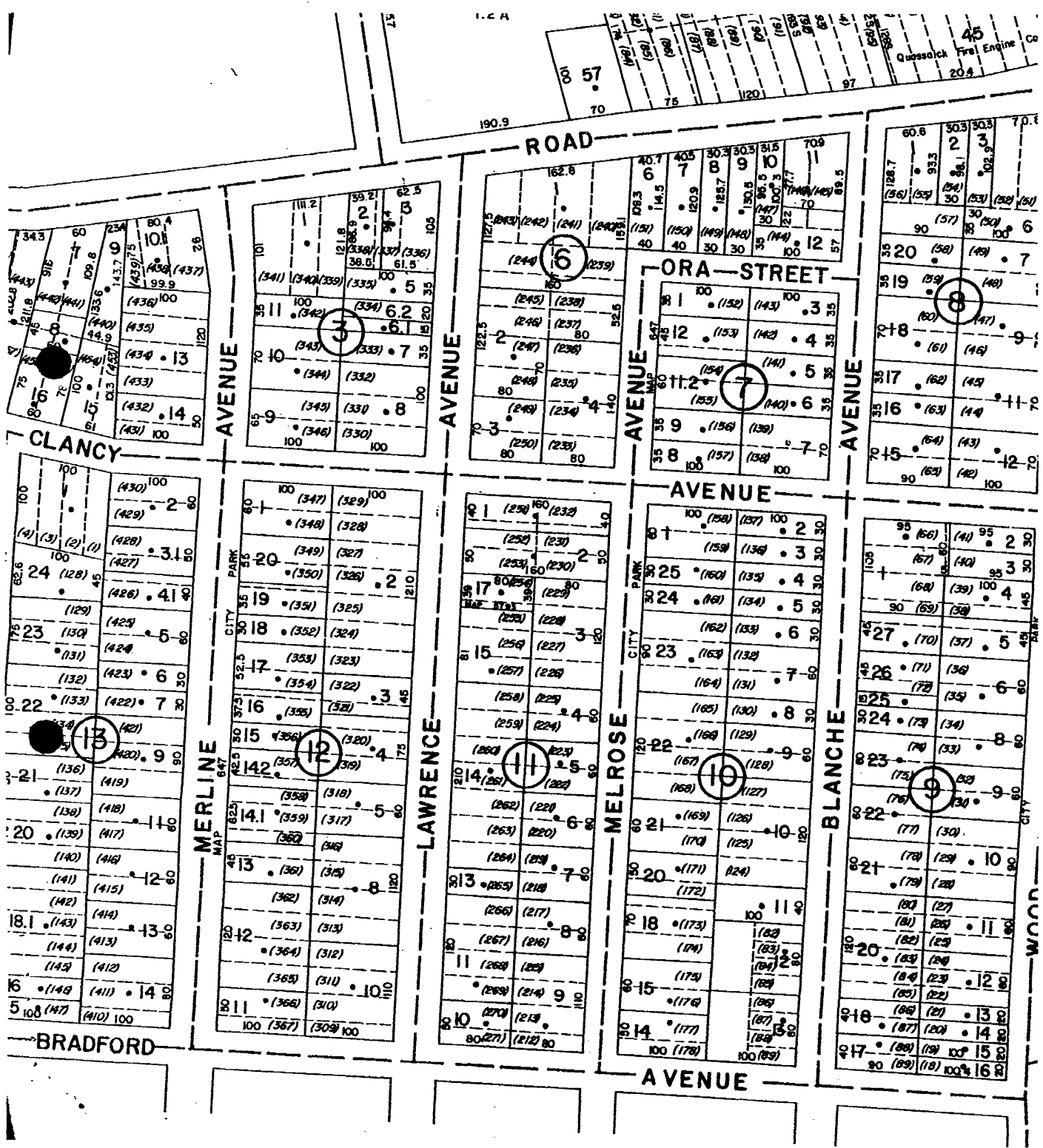
12 LAWRENCE AVE NEW WINDSOR NY

# PLOT PLAN

**NOTE:** Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.







ROAD

ORA STREET

AVENUE

MELROSE

AVENUE

BLANCHE

AVENUE

AVENUE

CLANCY

BRADFORD

MERLINE

LAWRENCE

MELROSE

BLANCHE

CITY PARK

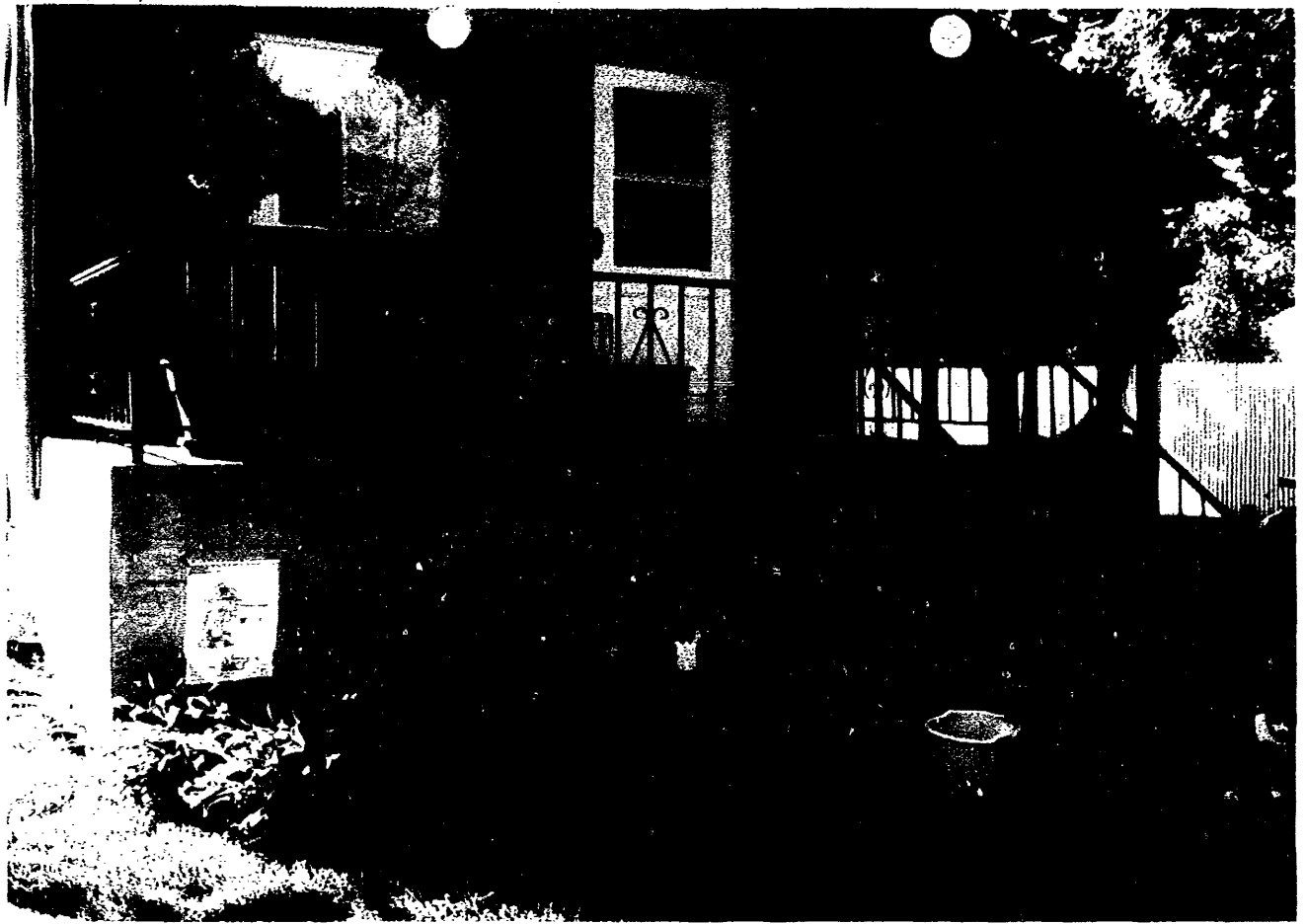
WOC





James Lee  
12 Lawrence Ave.

James Lee  
12 Lawrence Ave.



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: LARRY REIS, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: OCTOBER 15, 2004**  
**SUBJECT: ESCROW REFUND**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 208.00 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #04-48**

**NAME & ADDRESS:**

**James Lee  
12 Lawrence Avenue  
New Windsor, NY 12553**

**THANK YOU,**

**MYRA**

**L.R.10-18-04**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #04-48      TYPE: AREA

APPLICANT Name & Address:

**James Lee**  
**12 Lawrence Avenue**  
**New Windsor, NY 12553**

TELEPHONE:      562-6804

RESIDENTIAL:	\$ 50.00	CHECK # <u>622</u>
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW:      RESIDENTIAL \$300.00      CHECK # 621



<u>DISBURSEMENTS:</u>		<u>MINUTES</u> <u>\$5.50 / PAGE</u>	<u>ATTORNEY</u> <u>FEE</u>
PRELIMINARY:	<u>2</u> PAGES	\$ <u>11.00</u>	\$ <u>35.00</u>
2 <sup>ND</sup> PRELIMINARY:	____ PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>2</u> PAGES	\$ <u>11.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	____ PAGES	\$ _____	\$ _____

TOTAL:      \$ 22.00      \$ 70.00



ESCROW POSTED:      \$ 300.00  
LESS: DISBURSEMENTS:      \$ 92.00

AMOUNT DUE:      \$

REFUND DUE:      \$ 208.00

Cc:

L.R. 10-18-04

PRELIMINARY MEETINGS:

JAMES LEE (04-48)

Mr. James Lee appeared before the board for this proposal.

MR. KANE: Request for 3 ft. front yard setback for existing concrete porch at 12 Lawrence Avenue. What we do in New Windsor is a little different than other towns, we hold a preliminary meeting so we can get an idea of what you want to do, a lot of towns it's cold, you're not prepared, that's it. Okay, so what you're going to go through here is the exact same thing you're going to go through a public hearing. All the votes have to be by public hearing so tell us what you want to do.

MR. LEE: What happened when my wife and I bought the house in 1968 it had a 6 foot by 8 foot concrete porch on there exactly where it is right now and what I did around 1983 I just added it, I lengthened the porch out so that it would be 14 feet, just the same size of my front of my house. And we put a cap on it so we can put a couple of chairs there, sit on it at night, I guess.

MR. KANE: So the whole--

MR. LEE: The existing porch was always 32 foot from the road and we just widened it.

MR. KANE: Put it any further out than the porch was existing since in 1968?

MR. LEE: Yes.

MR. KANE: Do we have anything on record?

MR. BABCOCK: Yes, what changes is that you're allowed

a 6 by 8 foot that does not project into the front setback so it's the 6 x 8 was legal, once he made it to 14 feet now it has to measure the setback, that's where the problem is.

MR. KANE: So we'll clear that up then. Some questions I have to ask, they may not pertain, but I've got to ask them anyway. Cut down any trees?

MR. LEE: No.

MR. KANE: Create any water hazards or runoffs?

MR. LEE: No.

MR. KANE: Any complaints formally or informally?

MR. LEE: Never, sir.

MR. KANE: Any easements?

MR. LEE: No.

MR. REIS: What brings you to the board?

MR. LEE: Well, I just want to make everything legal for my children eventually if they ever wanted to sell the house and I never got a permit for this work to be done back in '83 and I just want to get everything legal.

MR. KANE: Should I bring it up? We're fixing the, you might want to take a look at the pool in the back.

MR. LEE: I've got one of them, I was here last year.

MR. KANE: I thought it looked familiar.

MR. LEE: And the fence too.

JAMES LEE (04-48)

MR. KANE: Mr. James Lee is the next public hearing request for a 3 foot front yard setback for existing concrete porch at 12 Lawrence Avenue in an R-4 Zone. Mr. Lee.

MR. LEE: As you all know, I kind of done this illegal around 1983 and what I did I just had a standard six foot by eight foot steps on the porch and I took the width of my house and made it fourteen foot so I could put a couple of chairs on there and sit out and that's basically what I did sir.

MR. KANE: Over the... in 1983 you said,

MR. LEE: Approximately.

MR. KANE: Approximately, so over the last twenty years, any complaints formally or informally about that deck.

MR. LEE: No sir.

MR. KANE: Cut down any trees or remove substantial vegetation in the building of the deck.

MR. LEE: No sir.

MR. KANE: Create any water hazards or runoffs.

MR. LEE: No sir.

MR. KANE: Any easements running through the front part of your deck.

MR. LEE: No sir.

MR. KANE: And obviously, without the deck and the steps there, you would consider it a safety hazard walking out the front door.

MR. LEE: Yes sir.

MR. BABCOCK: It's about seven stairs high.

MR. KANE: Well, eleven inches – it's legal right?

MR. BABCOCK: Yes.

MR. KANE: Obviously, it would be a financial hardship to take this down and rebuilt it legal.

MR. LEE: It probably would sir.

MR. REIS: Are the steps included in the requested variance.

MR. BABCOCK: No.

MR. KANE: Not needed?

MR. BABCOCK: No.

MR. LEE: I just, like, added on to the side if it.

MR. KANE: At this point I will see if there's anybody in the audience and open it up to the public, see if there's anybody here for this particular hearing. Seeing as there is not, we will open and close the public portion of the hearing and ask Myra how many mailings we had.

MS. MASON: On the 9<sup>th</sup> day of July I mailed out eighty-seven envelopes and had no responses.

MR. KANE: One other question from me. With the building of the steps and the porch, that doesn't make the house closer to the road than other homes are in your neighborhood.

MR. LEE: No, when I originally bought the house it was always like a thirty-two foot setback, but, like I said, the porch was six foot 8 inches and the steps were there when we bought the house and I didn't alter that at all.

MR. KANE: So you just went to the side on there ...

MR. LEE: Same width, you know six foot.

MR. BABCOCK: Mr. Chairman, a smaller deck would be exempt from the front yard setback, when he made it wider, it's now required.

MR. KANE: And you understand that if the Board approves your request that you still have to meet all the standards from the Building Department.

MR. LEE: Oh yes.. yes.

MR. KANE: Any other questions gentlemen and ladies.

MR. MINUTA: Will you accept a motion.

MR. KANE: Yes, I will.

MR. MINUTA: I move that we grant Mr. James Lee's request for a three foot front yard setback for an existing concrete porch at 12 Lawrence Avenue in an R-4 Zone.

MS. LOCEY: I'll second that.

ROLL CALL:



MS. LOCEY	AYE
MS. GANN	AYE
MR. REIS	AYE
MR. MINUTA	AYE
MR. KANE	AYE

Motion carried 5 Ayes.



RESULTS OF Z.B. MEETING OF:

July 26, 2004

PROJECT:

James Lee

ZBA #

04-48

P.B.#



USE VARIANCE:

NEED: EAF

PROXY

LEAD AGENCY: M) S) VOTE: A N

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N

PUBLIC HEARING: M) S) VOTE: A N

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N

NEGATIVE DEC: M) S) VOTE: A N

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N

APPROVED: M) S) VOTE: A N

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING:

M) S)

VOTE: A N

RIVERA

MCDONALD

REIS

MINUTA

KANE

CARRIED: Y N

PUBLIC HEARING:

STATEMENT OF MAILING READ INTO MINUTES



VARIANCE APPROVED:

M) MN S) LC VOTE: A N

RIVERA LOCEY

MC DONALD GANN

REIS

MINUTA

KANE

CARRIED: Y 5 N

No Complaints

No Trees

No Water

No Easements

-----X

**JAMES LEE**

**#04-48**

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
# 4984065  
Commission Expires July 15, 2007

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

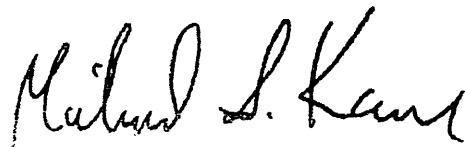
**Appeal No. 04-48**

**Request of JAMES LEE**

**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for 3 ft. Front Yard Setback for existing concrete porch (Bulk Tables E-8)  
at 12 Lawrence Avenue in an R-4 Zone (13-3-7)**

**PUBLIC HEARING will take place on JULY 26, 2004  
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York  
beginning at 7:30 P.M.**

A handwritten signature in black ink, appearing to read "Michael S. Kane", written over a horizontal line.

**Michael Kane, Chairman**



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-4693

## Assessors Office

July 2, 2004

James Lee  
12 Lawrence Avenue  
New Windsor, NY 12553

Re: 13-3-7      ZBA#: 04-48

Dear Mr. Lee:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$105.00, minus your deposit of \$25.00.

Please remit the balance of \$80.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO  
Sole Assessor

JTW/tmp  
Attachments

CC: Myra Mason, Zoning Board

9-1-64  
John Montfort  
c/o Federal Block Corp.  
247 Walsh Avenue  
New Windsor, NY 12553

13-2-4 & 13-2-6  
William Bessette  
Iris Rodriguez Bessette  
234 Walsh Avenue - #5  
New Windsor, NY 12553

13-2-7  
Mijoka Properties, Inc.  
P.O. Box 417  
Washingtonville, NY 10992

13-2-8 & 13-2-17  
Edward & Ellen Jacopino  
238 Walsh Avenue  
New Windsor, NY 12553

13-2-9  
Michael Ponesse  
242 Walsh Avenue  
New Windsor, NY 12553

13-2-10.1  
Petrillo Properties, Inc.  
246 Walsh Avenue  
New Windsor, NY 12553

13-2-13 & 13-2-14  
Anna Crudele  
12 Merline Avenue  
New Windsor, NY 12553

13-2-15  
Leslie Green King  
38 Clancy Avenue  
New Windsor, NY 12553

13-2-16  
Carmen Damario  
40 Clancy Avenue  
New Windsor, NY 12553

13-2-18  
Faricellia LTD  
650 Blooming Grove Tpke  
New Windsor, NY 12553

13-3-1, 13-3-10, 13-3-11  
Gary & Darla Dreyer  
18 Veronica Avenue  
New Windsor, NY 12553

13-3-2  
Harry & Mary Connolly  
252 Walsh Avenue  
New Windsor, NY 12553

13-3-3  
Robert Zamenick  
254 Walsh Avenue  
New Windsor, NY 12553

13-3-5 & 13-3-6.2  
Elizabeth Pettine  
10 Lawrence Avenue  
New Windsor, NY 12553

13-3-8  
Marie & Carmelo Maldonado  
22 Lawrence Avenue  
New Windsor, NY 12553

13-3-9  
Anthony Messina  
15 Merline Avenue  
New Windsor, NY 12553

13-5-1  
Specialty Powder Metallurgy Prod. Corp.  
23 Spring Rock Road  
New Windsor, NY 12553

13-5-27  
Cheryl & Gerard Guilliod, Jr.  
4 Orfeo Road  
Wallkill, NY 12589

13-5-29  
Linwood Rhodes, Jr.  
259 Walsh Avenue  
New Windsor, NY 12553

13-5-30  
Karen & Thomas Russell  
263 Walsh Avenue  
New Windsor, NY 12553

13-5-57  
William Babcock  
255 Walsh Avenue  
New Windsor, NY 12553

13-5-58.2  
Walsh Street Properties, Inc.  
c/o Sam Kaufman  
5 Quickway Road  
Monroe, NY 10950

13-6-1  
Hotzlucha Walsh Realty Corp.  
256 Walsh Avenue  
New Windsor, NY 12553

13-6-2  
Elizabeth Rahm  
15 Lawrence Avenue  
New Windsor, NY 12553

13-6-3  
Eileen Sharrow  
19 Lawrence Avenue  
New Windsor, NY 12553

13-6-4  
Chester & Evelyn Grzibowski  
12 Melrose Avenue  
New Windsor, NY 12553

13-6-6  
Arianne & James Lake, Jr.  
12 Ora Street  
New Windsor, NY 12553

13-6-7, 13-6-8, 13-6-9, 13-6-10  
Albert J, Albert A & Alison Coritz  
268 Walsh Avenue  
New Windsor, NY 12553

13-6-11  
Lynn Mehl  
270 Walsh Avenue  
New Windsor, NY 12553

13-6-12  
Christian Moocz  
8 Blanche Avenue  
New Windsor, NY 12553

13-7-1  
Stephen & Shirley June Ferrara  
5 Ora Street  
New Windsor, NY 12553

13-7-5  
George Vinson  
P.O. Box 756  
Vails Gate, NY 12584

13-7-8 & 13-7-9  
Roy Coykendall  
Debra Ann Regan  
25 Melrose Avenue  
New Windsor, NY 12553

13-8-15  
Mary & Frank Gerbes, Jr.  
6 Clancy Avenue  
New Windsor, NY 12553

13-8-18  
Thomas & Kathleen O'Brien  
13 Blanche Avenue  
New Windsor, NY 12553

13-10-4, 13-10-5, 13-10-6  
Frederick & Linda Greene  
28 Blanche Avenue  
New Windsor, NY 12553

13-10-22  
Edward & Pauline Starr  
33 Melrose Avenue  
New Windsor, NY 12553

13-11-1  
Peter & Christine Gandolfini  
16 Melrose Avenue  
New Windsor, NY 12553

13-11-4  
Daniel & Mary Baxter  
30 Melrose Avenue  
New Windsor, NY 12553

13-11-14  
Thaddeus Malinowski  
John Rymaszewski  
39 Lawrence Avenue  
New Windsor, NY 12553

13-7-3  
Lenora Grabel  
313 Walsh Avenue  
New Windsor, NY 12553

13-7-6  
Jennico Realty, LLC  
307 River Road North  
Wappingers Falls, NY 12590

13-7-11.2  
LeRoy Porter  
9 Melrose Avenue  
New Windsor, NY 12553

13-8-16  
George Kelley Family Trust  
17 Blanche Avenue  
New Windsor, NY 12553

13-10-1  
Jeff & Jeanne Stent  
15 Melrose Avenue  
New Windsor, NY 12553

13-10-7  
Rose Grossholtz  
3 Windsor Drive  
New Windsor, NY 12553

13-10-23  
Roy Coykendall  
25 Melrose Avenue  
New Windsor, NY 12553

13-11-2  
John & Jayne Kelly  
20 Melrose Avenue  
New Windsor, NY 12553

13-11-5  
Mira Ellen Rumsey  
c/o Mira Ellen Blythe  
320 Jackson Avenue  
New Windsor, NY 12553

13-11-15  
Paula Sanguinetti  
33 Lawrence Avenue  
New Windsor, NY 12553

13-7-4  
John & Angela Grace Babcock  
12 Blanche Avenue  
New Windsor, NY 12553

13-7-7  
Edna Babcock  
10 Clancy Avenue  
New Windsor, NY 12553

13-7-12  
Brian Alessi  
3 Melrose Avenue  
New Windsor, NY 12553

13-8-17  
George Kelley  
Pauline Osusky  
c/o Pauline Osusky  
185 Hudson View Circle  
Kingston, NY 12401

13-10-2 & 13-10-3  
Lilia Nazarevitch  
9 Clancy Avenue  
New Windsor, NY 12553

13-10-8  
David Deyo  
40 Blanche Avenue  
New Windsor, NY 12553

13-10-24 & 13-10-25  
Eduardo & Robyn Richi  
23 Melrose Avenue  
New Windsor, NY 12553

13-11-3  
Adalberto Padilla  
26 Melrose Avenue  
New Windsor, NY 12553

13-11-6  
Percy Reyes  
38 Melrose Avenue  
New Windsor, NY 12553

13-11-17  
Frank Lombardi  
361 Oak Drive  
New Windsor, NY 12553

13-12-1  
Jeffrey McCurry  
19 Merline Avenue  
New Windsor, NY 12553

13-12-4  
Eveitt Mitchell  
40 Lawrence Avenue  
New Windsor, NY 12553

13-12-14.2  
Tiberio Corrieri  
41 Merline Avenue  
New Windsor, NY 12553

13-12-17  
Karen Jeffers  
33 Merline Avenue  
New Windsor, NY 12553

13-12-20  
Katalin Tolnai  
25 Merline Avenue  
New Windsor, NY 12553

13-13-3.1  
Charles & Fanny Davis  
30 Merline Avenue  
New Windsor, NY 12553

13-13-6 & 13-13-7  
Gerald Gillispie  
Joan Livingstone  
38 Merline Avenue  
New Windsor, NY 12553

13-13-23  
John Kaczmarek  
Ann Hill  
13 Myrtle Avenue  
New Windsor, NY 12553

13-14-3  
Maureen Grace  
12 Myrtle Avenue  
New Windsor, NY 12553

13-12-2  
D.A.V. – ATT: Treasurer  
c/o Thomas Peterkin Post Chapter 152  
30 Lawrence Avenue  
New Windsor, NY 12553

13-12-5  
Carlos & Christina Nieves  
44 Lawrence Avenue  
New Windsor, NY 12553

13-12-15  
Hazelton & Anna Kerr  
37 Merline Avenue  
New Windsor, NY 12553

13-12-18  
North Plank Development Co., LLC  
5020 Route 9W  
Newburgh, NY 12550

13-13-1 & 13-13-24  
Alfred Crudele  
37 Clancy Avenue  
New Windsor, NY 12553

13-13-4.1  
Byron & Mary Hulse  
34 Merline Avenue  
New Windsor, NY 12553

13-13-9  
Franklin Albright  
42 Merline Avenue  
New Windsor, NY 12553

13-14-1  
John & Janet Duda  
45 Clancy Avenue  
New Windsor, NY 12553

13-14-4  
Joseph & Ethel Reardon  
14 Myrtle Avenue  
New Windsor, NY 12553

13-12-3  
Brett Cunningham  
36 Lawrence Avenue  
New Windsor, NY 12553

13-12-14.1  
Thomas & Rose DeToro  
45 Merline Avenue  
New Windsor, NY 12553

13-12-16  
James & Rose Sears  
c/o Robert Sears  
35 Merline Avenue  
New Windsor, NY 12553

13-12-19  
Nicholas & Jean Garzione  
27 Merline Avenue  
New Windsor, NY 12553

13-13-2  
Murat Yucel  
22 Merline Avenue  
New Windsor, NY 12553

13-13-5  
Everett & Mary Smith  
36 Merline Avenue  
New Windsor, NY 12553

13-13-22  
Scott Potter  
23 Myrtle Avenue  
New Windsor, NY 12553

13-14-2  
Richard Bucci  
Sherry Deyo  
2 Myrtle Avenue  
New Windsor, NY 12553

13-14-6.1  
Gasper & Elizabeth Cangelosi  
20 Myrtle Avenue  
New Windsor, NY 12553





# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## ZONING BOARD OF APPEALS

July 9, 2004

James Lee  
12 Lawrence Avenue  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-48

Dear Mr. Lee:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Sentinel Newspaper for publication. **PLEASE NOTE: The Sentinel will bill you directly for this add. This is not included in the escrow you posted upon application.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

12 Lawrence Avenue  
New Windsor, NY

is scheduled for the JULY 26, 2004 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm

ZBA #04-48  
Application fee

**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#614-2004**

06/18/2004

Lee, James & Geraldine  
12 Lawrence Ave.  
New Windsor, NY 12553

Received \$ 50.00 for Zoning Board Fees, on 06/18/2004. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk

**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**

**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 06-16-04

FOR: 04-48 ESCROW

FROM: JAMES LEE

12 LAWRENCE AVENUE

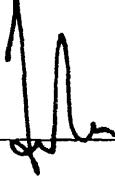
NEW WINDSOR, NY 12553

CHECK NUMBER: 621

TELEPHONE: 562-6804

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

 _____ NAME	6/18/04 _____ DATE
--	--------------------------

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU





# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## ZONING BOARD OF APPEALS

June 17, 2004

James Lee  
12 Lawrence Avenue  
New Windsor, NY 12553

SUBJECT: REQUEST FOR VARIANCE #04-48

Dear Mr. & Mrs. Lee:

This letter is to inform you that you have been placed on the June 28, 2004 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

12 Lawrence Avenue  
New Windsor, NY 12553

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

---

Myra Mason, Secretary  
Zoning Board of Appeals

MLM:mlm





**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**



**APPLICATION FOR VARIANCE**

6/2/04  
Date

Application Type: Use Variance ☐ Area Variance ☐  
Sign Variance ☐ Interpretation ☐

**I. Owner Information:**

Phone Number: (845) 562 6804  
Fax Number: ( )  
JAMES D LEE  
(Name)  
12 LAWRENCE AVE NEW WINDSOR NY  
(Address)

**II. Applicant:**

Phone Number: (845) 562 6804  
Fax Number: ( )  
JAMES D LEE  
(Name)  
12 LAWRENCE AVE NEW WINDSOR NY  
(Address)

**III. Forwarding Address, if any, for return of escrow:**

Phone Number: ( )  
Fax Number: ( )  
(Name)  
(Address)

**IV. Contractor/Engineer/Architect/Surveyor/:**

Phone Number ( )  
Fax Number: ( )  
(Name)  
(Address)

**V. Property Information:**

Zone: R4 Property Address in Question: \_\_\_\_\_  
Lot Size: \_\_\_\_\_ Tax Map Number: Section 13 Block 3 Lot 7  
a. What other zones lie within 500 feet? \_\_\_\_\_  
b. Is pending sale or lease subject to ZBA approval of this Application? \_\_\_\_\_  
c. When was property purchased by present owner? JUNE 1968  
d. Has property been subdivided previously? \_\_\_\_\_ If so, When: \_\_\_\_\_  
e. Has an Order to Remedy Violation been issued against the property by the  
Building/Zoning/Fire Inspector? \_\_\_\_\_  
f. Is there any outside storage at the property now or is any proposed? YES

\*\*\*\*PLEASE NOTE:\*\*\*\*\*

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF  
SUBMITTAL.**

**004-48**

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)**

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.	35'	32'	3'
Reqd. Side Yd.			
Reqd. Rear Yd.			
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

\*Residential Districts Only

\*\*Non-Residential Districts Only

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

COMPLETE THIS PAGE ☐



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

WHEN WE BOUGHT THIS HOUSE  
IN 1968 THE CONCRETE PORCH WAS ALREADY  
THERE 70" X 8' X 40" HIGH. I EXTENDED THE  
THE CONCRETE PORCH BY 6' AND CAPPED  
IT TO MAKE 70" X 14' X 42" HIGH AROUND 1983  
SO WE COULD SIT OUT ON IT WITH A COUPLE  
OF CHAIRS TO RELAX

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

04-48

COMPLETE THIS PAGE ☐

**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
- \_\_\_\_\_
- \_\_\_\_\_

**XIII. ATTACHMENTS REQUIRED:**

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of existing premises from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT THREE(3) SETS OF THE PHOTOS.)

**XIV. AFFIDAVIT.**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

2<sup>nd</sup> day of June 2007

James Lee  
Owner's Signature (Notarized)

JAMES O LEE  
Owner's Name (Please Print)

DL# 610-903-649 exp. 05-26-10

J. Mead (Gallagher)  
Signature and Stamp of Notary

JENNIFER MEAD  
Notary Public, State Of New York  
No. 01ME6050024  
Qualified In Orange County  
Commission Expires 10/30/2006

Applicant's Signature (If not Owner)

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

COMPLETE THIS PAGE ☐

04-48



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NY 12553  
(845) 563-4615 (MYRA MASON)



## ZONING BOARD PROCEDURES

**PLEASE READ PAGE ONE AND TWO OF THIS PACKAGE AND SIGN PAGE TWO IT EXPLAINS THE PROCEDURE TO BE FOLLOWED FOR YOUR APPLICATION.**

PLEASE COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

**RESIDENTIAL: (Three Separate Checks Please)**

APPLICATION FEE: \$ 50.00

\*ESCROW: \$300.00

**\*\*DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00**

**MULTI-FAMILY: (Three Separate Checks Please)**

APPLICATION FEE: \$150.00

\*ESCROW: \$500.00

**\*\*DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00**

**COMMERCIAL: (Three Separate Checks Please)**

APPLICATION FEE: \$150.00

\*ESCROW: \$500.00

**\*\*DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00**

**INTERPRETATION: (Three Separate Checks Please)**

APPLICATION FEE: \$150.00

\*ESCROW: \$500.00

**\*\*DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00**

YOU WILL THEN BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING".

\*

### **ESCROW**

IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

THE APPLICANT WILL BE BILLED DIRECTLY FOR THE PUBLIC HEARING ADVERTISEMENT IN THE "SENTINEL NEWSPAPER"



LIST OF PROPERTY OWNERS  
WITHIN 500 FT. RADIUS OF  
PROPERTY IN QUESTION:

APPROXIMATE COST FOR  
PUBLIC HEARING LIST:

1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00

ANYTHING OVER 100 NAMES  
IS \$1.00 EA. ADDITIONAL  
NAME

FOLLOWING YOUR PRELIMINARY MEETING, THE ZONING BOARD SECRETARY WILL ORDER YOUR "PUBLIC HEARING LIST" FROM THE ASSESSOR'S OFFICE.

1. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THIS WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
2. PREPARE AN ENVELOPE (*self-sealing envelopes are much appreciated*) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. ***YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.***

**NOTE:**

**IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.**

**\*\* MUST READ AND SIGN \*\***

***I UNDERSTAND THAT I WILL BE BILLED DIRECTLY FOR MY "LEGAL NOTICE" TO BE PUBLISHED IN THE SENTINEL NEWSPAPER FOR MY PUBLIC HEARING....(this charge is not deducted from your escrow posted).***

*James O Lee*  
SIGNATURE

*6/2/04*  
DATE

**NOTE:**

THE ZBA MEETS ON THE 2<sup>ND</sup> AND 4<sup>TH</sup> MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE. (JULY AND AUGUST – ONE MEETING PER MONTH ONLY)

PAGE 2

COMPLETE THIS PAGE ☐

**04-48**